

VIETMINH VIOLATIONS OF THE GENEVA AGREEMENTS
THROUGH 31 DECEMBER 1954

SUMMARY

Generally reliable reports through 31 December 1954 clearly indicate that the Communists have violated the Geneva Agreements on Cessation of Hostilities in Vietnam, Laos, and Cambodia with respect to the following:

Vietnam

- a. Failure of the Vietminh completely to relinquish political rule south of the 17th Parallel; failure to allow civilians who so desire to transfer from the Vietminh zone to the other; failure to comply with the prohibition on reprisals against wartime partisans of the French Union. (Article 14)
- b. Failure of the Vietminh to withdraw all of their military forces from the south. (Article 15)
- c. Importing of prohibited categories of military equipment. (Article 17)
- d. Failure to liberate all prisoners of war and civilian internees and to surrender them to the "appropriate authorities." (Article 21)

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Laos

- a. Failure to enforce the cease-fire. (Article 1)
- b. Forced recruiting of Laotians for military service.
(Contravenes the spirit of paras. 3 and 12 of the Joint Conference Declaration.)
- c. Pathet Lao refusal to recognize the full sovereignty of the Royal Lao Government over the provinces of Sam Neua and Phong Saly. (Inconsistent with the declaration of the Government of Laos acknowledged by the Vietminh in paras. 3 and 12 of the Joint Conference Declaration.)

Cambodia

- a. Probable failure of the Vietminh to withdraw all of its forces. (Article 4)
- b. Failure to demobilize the Khmer Resistance Forces.
(Article 5)

Other articles of the respective Agreements have been or are now in the process of being substantially implemented or are of a procedural nature designed to establish machinery for the implementation of the Agreements and thus are not subject to violations. Accordingly, such articles are not considered in this report.

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I. COMMUNIST VIOLATIONS OF THE AGREEMENT ON CESSATION OF HOSTILITIES
IN VIETNAM

A. Violations of Article 14

Article 14a and b. Article 14a states: "Pending the general elections which will bring about the unification of Viet Nam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present agreement." Article 14b states that: "Any territory controlled by one party which is transferred to the other party by the grouping plan shall continue to be administered by the former party until such date as all the troops who are to be transferred have completely left that territory so as to free the zone assigned to the party in question. From then on, such territory shall be regarded as transferred to the other party, who shall assume responsibility for it."

1. Two Vietminh areas south of the 17th Parallel, Ham Tan and Xuyen Noc Provisional Assembly Area, and Plaine des Joncs Provisional Assembly Area, have up to this time been technically evacuated by

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Vietminh forces in accordance with the Agreement. (Article 15) There are repeated and consistent reports that in both the Xuyen Loc and Plaine des Jons areas, Vietminh military-politico cadres continue, despite the provisions of Article 14b, to retain de facto control of the local administration and to conduct activities designed to maintain the population under Communist control. Although we cannot document this situation with specific or detailed facts, we believe that the Vietminh is continuing to exercise political and administrative control in several areas south of the 17th Parallel other than those designated as assembly areas. Such action clearly contravenes both the letter and spirit of Article 14a and 14b. The ICC for Vietnam has not investigated violations of this nature, which have not formally been charged to the Communists by the French-Vietnam side.

Article 14c. Article 14c states that "each party undertakes to refrain from reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee their democratic liberties."

2. The Vietnamese Government publicly charged violation by the Communists of this provision in July and August 1954. Despite the fact that there appears to be no record of investigation of such

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charges by the ICC in this instance, there is a strong presumption on the basis of all reports received that the Vietminh is in fact inflicting reprisals against individuals within its zone whenever political considerations so dictate.

Article 11d. Article 11d states that: "From the date of entry into force of the present Agreement until the movement of troops is completed, any civilians residing in a district controlled by one party who wishes to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district."

3. The greatest number of reported violations of this provision concern restrictions imposed by Vietminh authorities in the Catholic areas of the Tonkin Delta (primarily the dioceses of Phat Diem and Bui Chu in the southeastern section of the delta) on the movement of Vietnamese who desire to evacuate to the south. [redacted]

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[redacted] beginning in October, elements of three regular infantry divisions, in addition to local regional forces, were blocking by force the movement of refugees in

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the south zone of the delta.

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[redacted] the Vietminh has been preventing and continues to prevent evacuation of people from the delta by the following methods:

- a. Intimidation and force. Refugees encounter roadblocks and soldiers who refuse them permission to pass, children are separated from parents and leaders of groups are arrested, departing boats are fired upon, and armed Vietminh junks patrol the coastal waters to prevent escape by sea.
- b. Barring refugees from transportation. Almost all travel in the Tonkin Delta requires water transportation, but Vietminh officials control passenger boats, ferry boats, and bridges and prevent their use by refugees. Trucks, buses, and bicycle-carts are forbidden to carry refugees.
- c. Economic penalties. A would-be refugee is not allowed to sell his property but must forfeit all except that which he can carry.

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4. Investigation by the ICC of specific instances of violations of this article has often been hampered by a rigid procedure which involves, among other regulations, notification of the local authorities before an ICC team appears on the scene. Accordingly, by the time ICC teams reach the area of reported violations, the power of intimidation has been exerted and the ICC team has great difficulty in finding individuals who will speak freely of the Vietminh violations.

5. [redacted]

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[redacted], several ICC

mobile teams visited Phat Diem in early November following reports that many thousands of persons desired to go south. Investigation on the spot revealed an "abnormal situation and a concentration of people." Local Vietminh authorities, however, had no procedures for processing applications and were apparently unwilling to give the ICC teams all desired assistance. As a result of this investigation, however, the ICC announced publicly that the "abnormal" situation had

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been brought under control and that "people wanting to exercise the right of freedom of movement are now getting the requisite permits and other facilities as laid down in Article 14d."

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in the Phat Diem area

local Commu-

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nist authorities were interpreting instructions in the narrowest fashion. Vietminh officials were [redacted] using such technical devices to obstruct the movement of refugees even in the presence of the ICC representatives as: (a) refusal to issue evacuation permits except in an applicant's village of residence; (b) refusal to process applications before transport facilities were available; and (c) replacing evacuees in transit by "fake" refugees who then claimed they were forced to go south.

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[redacted] there can be no question that the Vietminh authorities have violated and continue to violate Article 14d. The extraordinary number of complaints and detailed descriptions of Vietminh restrictions on freedom of movement indicates a continuous and deliberate policy on the part of the Vietminh to prevent free movement from their area to the south.

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B. Violation of Article 15

Article 15 provides for the disengagement of the combatants, and transfers of all military forces, equipment, and supplies of each party from the regroupment zone of the other party, in accordance with carefully defined schedules and procedures.

8. Numerous reports have been received indicating that the Vietminh is leaving substantial numbers of trained military personnel in South Vietnam. The Vietminh reportedly has attempted to cover this violation by filling out the ranks of units to be evacuated with new and untrained recruits. Although specific instances of this violation cannot be substantiated with the information at hand, and although the ICC has not attempted to investigate reports of this nature, it is almost certain that the Vietminh is not evacuating all its military manpower from the south and is accordingly violating Article 15 of the Agreement. This conclusion is further supported by frequently reported discoveries of arms and ammunition caches by French and Vietnamese units occupying the areas from which Vietminh military forces have been formally withdrawn.

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C. Violation of Article 17

Article 17 states that, with certain limited and rigorously defined exceptions involving only replacement of worn-out or used-up equipment, the "introduction into Vietnam of any reinforcements in the form of all types of arms, ammunition, and other war material, such as combat aircraft, pieces of ordnance, jet engines and jet weapons and armored vehicles, is prohibited."

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9.

25X1C [redacted] a considerable amount of Chinese war material has been moved into North Vietnam from Communist China since the Armistice. Virtually all of this movement occurred via the uninspected points of Cao Bang and Dong Dang on the Sino-Vietnam border. Illicit receipt of war materials reached a peak in late July and August and continued at a reduced rate at least through mid-October. Shipments of non-prohibited material, such as gasoline and quartermaster supplies, are continuing at a relatively high level. Since the entry into force of the Agreement, the Vietminh are known to have received illegally more than 150

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pieces of field and antiaircraft artillery, more than 500 mortars, 9,000 automatic weapons, and 500 recoilless weapons, in addition to substantial quantities of ammunition of all types and more than 400 military vehicles.

10. It is difficult for the ICC to detect or investigate violations of this article, primarily because ICC teams have not been permitted to travel freely in the area around the Chinese border where supplies are received. [redacted]

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[redacted] 25X1C reconnaissance of roads was impossible due to restrictions placed on all movements by local Vietminh authorities. Moreover, these teams are too small to cover fully the lengthy and largely inaccessible border zone.

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11. [redacted]

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[redacted] the Vietminh army

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[redacted] has continued since the Armistice to increase its firepower as well as its combat efficiency and size. The fact that the Vietminh is reinforcing its armed forces tends to confirm [redacted] that a large amount of war material, quite clearly over and above the allowable categories, has entered illegally into the Vietminh zones despite the system of inspection established under the cease-fire Agreement, and in direct violation of Article 17 of that Agreement.

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D. Violation of Article 21

Article 21 provides for the liberation and repatriation within 30 days of the cease-fire of all prisoners of war and civilian internees detained by either party, and for their surrender to the appropriate authorities of the other party.

12. Initial difficulties in the implementation of this article appeared to have been overcome by an early intervention of the ICC, which allowed the exchange of prisoners of war and internees to be "officially" continued to 4 September 1954. By that date, the Vietminh claimed to have returned 11,882 prisoners (537 officers and 11,345 other military persons), of whom 8,082 were of European or African origin, 5 of US origin, and 3,795 of Vietnamese origin. [redacted]

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[redacted] only 11,706 had in fact

been released by the Vietminh. Discussions between the two commands on the exchange of further groups of prisoners and internees, particularly those of Vietnamese origin, continued intermittently after September

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4. [redacted]

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13. [redacted]

[redacted] It is an accepted fact that both sides are still holding

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POW's and were engaged in a process of bargaining for the exchange of further groups. One party in the Joint Commission submits a list of persons which it is claimed are still held by the other. This leads to the submission of similar lists by the other side and, when agreement is reached, some people are liberated on a reciprocal basis. 25X1C

The Vietminh returned only a few of the Vietnamese Army personnel captured by them during the course of the war. Although some of those not formally returned are either still interned as "politically dangerous" or have been clandestinely released after indoctrination, the major portion have been removed from the category of prisoners of war and integrated into the Vietminh forces. The facts to substantiate this conclusion are almost impossible to obtain,

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II. COMMUNIST VIOLATIONS OF THE AGREEMENT ON CESSATION OF HOSTILITIES IN LAOS

14. Certain violations with respect to Laos do not fall strictly within the purview of any specific article of the Agreement. They do,

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however, contravene the spirit of certain paragraphs of the Joint Conference Declaration. Accordingly, these violations will also be discussed below.

A. Attacks against Laotian forces. (Inconsistent with Articles 1 and 2 which provide that the commanders of the armed forces shall enforce the cease-fire and that the cease-fire is effective on 6 August.)

15. Small-scale attacks by Pathet Lao forces against Laotian Army forces have taken place since the cease-fire. These attacks have been confined in large part to the northern provinces where the largest concentrations of Pathet Lao are located. These attacks have occurred as recently as late December. The Laotian Government has filed protests with the ICC, which has been unable to move quickly to the scene of reported attacks.

B. Forced Recruitment of Laotians. (Inconsistent with paras. 3 and 12 of Joint Conference Declaration.)

16. As early as 27 August 1954, the Laotian Government protested to the Joint Commission for Laos that Vietminh units in Laos were forcing young men in villages to join Vietminh units and move to northern Laos for military training. [redacted]

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[redacted] official Franco-Lao figures estimate the number of Laotian men and women conscripted by the Vietminh since August 20 totaled 3,050 by September 3, 3,500 by September 13, and over 4,000 by September 20. Those conscripted came from all provinces, including the immediate environs of Vientiane.

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[redacted]
[redacted]
There is also reliable evidence that the Vietminh has been avoiding established check points in its evacuation from Laos, probably for the purpose of concealing the movement outside Laos of Pathet Lao forces or newly conscripted Laotians.

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D. Pathet Lao Attempts to Usurp Jurisdiction in Sam Neua and Phong Saly. (Inconsistent with Laotian Declarations and paras. 3 and 12 of the Joint Conference Declaration.)

17. The Pathet Lao have publicly acknowledged the authority "in principle" of the Laotian Government over the provinces of Sam Neua and Phong Saly. In practice, however, they have not allowed the Royal Government to send its administrators or the International Commission to inquire fully into the situation and the activities of the Pathet Lao there.

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18. It is quite clear that the continued retention by the Pathet Lao of de facto control of these two provinces is a violation in spirit and letter of the Geneva Agreements, which recognized Laos' full sovereignty and territorial jurisdiction. This remains true despite the fact that at Geneva the Government of Laos announced that it would promulgate measures to provide for "special representation" in the Royal Administration of the provinces of Phong Saly and Sam Neua during the interval between the cessation of hostilities and the general elections of the interests of "Laotian nationals who did not support the royal forces during hostilities."

19. At present, the International Control Commission in Laos is trying to resolve this question by sponsoring direct negotiations between the Royal Government and Pathet Lao representatives.

III. COMMUNIST VIOLATIONS OF THE AGREEMENT ON CESATION OF HOSTILITIES IN CAMBODIA

A. Probable Violation of Article 4(1)

The article states that: the withdrawal of foreign armed forces and foreign military personnel outside the territory of Cambodia

shall apply to: (a) the armed forces and military combatant personnel of the French Union; (b) the combatant formations of all types which have entered the territory of Cambodia from other countries or regions of the peninsula; (c) all the foreign elements (or Cambodians not natives of Cambodia) in the military formations of any kind or holding supervisory functions in all political or military, administrative, economic, financial or social bodies, having worked in liaison with the Vietnam military units.

20. In view of the lack of reliable estimates of the number of Vietnamese and other non-Cambodian Communist troops present in Cambodia at the time of the signing of the accord, it is impossible to estimate conclusively the degree of Communist compliance with, or violation of, this article. The Vietminh officially reported that they intended to evacuate 4,050 troops from Cambodia. [redacted]

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[redacted] on 21 October [redacted] 2,800 persons had been removed to South Vietnam. This total coincided fairly closely with a [redacted] estimate of 2,685 Vietnamese troops in Cambodia as of July 1954. A

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[redacted] [redacted] Although the Cambodian

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Government and French military officials believe that Vietminh cadres remain in Cambodia, no formal protest has been made to the ICC, and that body is officially satisfied that the provisions of the article have been met by the Vietminh.

B. Violation of Article 5

This article states that the "two parties shall undertake that within 30 days after the cease-fire order has been proclaimed, the Khmer Resistance Forces shall be demobilized on the spot."

21. No third party witnessed the demobilization of the Khmer Resistance Forces (KRF) by Vietminh military units in Cambodia, which allegedly occurred on or about 20 August 1954. The Vietminh units which were subsequently evacuated from Cambodia did not carry extra arms, and no armament belonging to the Khmer Resistance Forces has ever been surrendered to any authority in Cambodia. On 25 August 1954 the Cambodian Government delivered a documented protest to the ICC on the failure of the Vietminh command in Cambodia to disarm the Khmer Resistance Forces in accordance with the Agreement. Not a single former member of the KRF has yet reported to the Cambodian authorities

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to receive his identity card which will permit him to vote in the forthcoming Cambodian elections, thus suggesting that KRF members have in fact not been demobilized.

IV. LIMITATIONS ON THE OPERATIONS OF THE INTERNATIONAL CONTROL COMMISSIONS

22. The International Commissions in each of the three countries are operating under a number of restrictions, some of which are due directly to the provisions of the accords, and others to such factors as limited personnel, inadequate investigating and control facilities, language barriers. Methods of operation are being formulated only gradually as occasions arise. The composition of the ICC makes unanimous agreement almost impossible to achieve on certain questions.

23. From its very first establishment in Hanoi in early August 1954, the ICC received numerous petitions and complaints from private individuals. The task of investigating these soon became overwhelming. In dealing with these complaints, therefore, the ICC felt that it had no choice but to request, as a first step, that the "parties concerned" themselves carry out the preliminary investigation, since it was obvious that the ICC was not equipped to deal with the numerous cases

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likely to arise. The alternative, for the ICC to undertake the investigations, "would have implied a lack of faith in the two parties" and would have "required an expansion of the ICC services and personnel which were well beyond its present possibilities."

24. This ICC decision created difficulties. If a complaint were referred to the Vietminh authorities, the ICC would have no method of ensuring that the persons initiating the complaint were not penalized. Furthermore, if one side or the other delayed its reply or replies that there were no problem or that the problem was exaggerated, the ICC again would have no recourse. In order to undertake an investigation of such a reply, the ICC first has to agree that one is desirable. Even when agreement is obtained, the local authorities have to be given notice before an investigating team can visit the area.

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[Redacted]

25. Such problems arise particularly in connection with alleged violations of Article 14d of the Vietnam accord. The ICC has the choice of uncritical acceptance of assurances given by the Communists, or the almost impossible task of carrying out an effective investigation in an atmosphere of terror and deceit.

26. The ICC in Vietnam has a limited number of fixed and mobile teams, each of which has been carefully consigned to specific areas. In contrast to arrangements in the south, movement of teams in the north are restricted and may be arranged only after adequate notice to Vietminh authorities. Even when inquiry teams are sent into a rural area, the practical difficulties involved are formidable and include inadequate means of transportation and communication in a tropical country, the language barrier, and the subtle means of pressure on the local inhabitants developed by Vietminh agents.

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27. [Redacted] the Indian delegation is impartial and objective and is becoming increasingly disillusioned about the

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Polish delegation. The Polish members of inspection teams which have investigated incidents have proved to be obstructive, biased, and generally unreasonable.

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28. [redacted]

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Polish delegation and the Vietminh authorities were cooperating in using the material gathered by the investigating teams for Vietminh propaganda purposes rather than as evidence.

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